

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 273 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE R.BALIA.

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RM PATEL

Versus

STATE OF GUJARAT

Appearance:

MR SATISH A PANDYA for Petitioner

MR MA BUKHARI AGP for Respondents

CORAM : MR.JUSTICE R.BALIA.

Date of decision: 03/12/97

ORAL JUDGEMENT

The only grievance made by the petitioner in this petition is against his transfer from Gandhinagar to Palanpur vide order dated 8.1.1991. The petitioner has also averred in the petition that the order had not been implemented until he had approached this Court. The main grievance against the order of transfer is that there are several government circulars giving guidelines by which

gazetted officers are not to be transferred for a period of three years from a place as far as possible and transfer should not be made during the academic year and the aforesaid transfer was contrary to these guidelines.

This petition was presented on 14.1.1991. On 14.1.1991 notice was issued returnable on 28.1.1991 and status quo was directed to be maintained. Subsequently Rule was issued on 11.2.1991 and the interim relief was allowed to be continued. Thereafter on 16.7.1991, on hearing both the parties, the Court on the statement made by the learned counsel for the respondents directed the respondents to permit the petitioner to resume duties at Palanpur, where he was transferred, and for the intervening period if the petitioner makes application for leave, the respondents were to consider the same and grant leave, if admissible. Looking to the facts and circumstances of the case, the matter was fixed for final hearing on 23.9.1991. It appears that since then the matter has not come up before the Court until today.

In the facts and circumstances of the case, it is apparent that so far as the impugned transfer order is concerned, the same has been given effect to in pursuance of the order of this Court dated 16.7.1991 and the intervening period between the date of transfer order and joining, under the directions of the Court, the respondents were to grant leave as is admissible to the petitioner on his application. In the present case, no grievance which requires decision of this Court on merit now survives. The petition accordingly stands disposed off in terms of the order passed by this Court on 16.7.1991. This order shall not affect the directions of the Court to grant the petitioner admissible leave on his application being made in this behalf for the intervening period between the date of transfer and the joining duties at Palanpur. The petition accordingly stands disposed of. Rule is discharged. No order as to costs.

(ers)